


OCT 13 2017

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
ROANOKE DIVISION

JULIA C. DUDLEY, CLERK
BY: 
DEPUTY CLERK

UNITED STATES OF AMERICA,)	Criminal Action No. 7:07CR00061
)	(Civil Action No. 7:17CV81271)
v.)	
)	<u>FINAL ORDER</u>
LEWIS LEON PENDLETON II,)	
)	By: Hon. Glen E. Conrad
Defendant.)	United States District Judge

In accordance with the accompanying memorandum opinion, it is hereby

ADJUDGED AND ORDERED

as follows:

1. Pendleton's motion pursuant to 28 U.S.C. § 2255 (ECF No. 39) is **GRANTED**;
2. The government's motion to dismiss (ECF No. 45) is **DENIED**;
3. Pursuant to the accompanying Memorandum Opinion, it is **ADJUDGED and ORDERED** that Pendleton's sentence is **AMENDED** to time served. Pendleton's term of supervised release is concomitantly **AMENDED** to 36 months. 18 U.S.C. § 3583(b)(2). Pendleton's judgment shall remain in full force and effect in all other respects (7:07cr00061, ECF No. 36).
4. The Federal Bureau of Prisons is **DIRECTED** to release Pendleton within ten days of entry of this order or as soon as practicable.
5. The Clerk is directed to send copies of this order and the accompanying memorandum opinion to the petitioner and all counsel of record. In addition, the Clerk is directed to close Civil Action No. 7:17CV81271 as all further action will occur in Pendleton's criminal case.

ENTER: This 13th day of October, 2017.


United States District Judge